

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SCOTT THOMAS BARRY,

Plaintiff,

v.

BRIAN ENGLISH,

Defendant.

CAUSE NO. 3:24-CV-439-CCB-MGG

OPINION AND ORDER

Scott Thomas Barry, a prisoner without a lawyer, filed a complaint alleging he is seriously mentally ill. ECF 1. The complaint sought injunctive relief and was separately docketed as a motion for preliminary injunction. ECF 5. Barry was granted “leave to proceed against Warden Brian English in his official capacity to obtain permanent injunctive relief to obtain constitutionally adequate mental health treatment for his serious mental illness as required by the Eighth Amendment.” ECF 4-1 at 5. All other claims were dismissed. *Id.*

After the preliminary injunction was fully briefed, it was denied. ECF 19. Because the court found that Barry was receiving constitutionally adequate treatment for his mental health issues, he was notified that under Federal Rule of Civil Procedure 56(f)(3), the court would grant summary judgment on its own motion unless he explained why this case should not be dismissed.

In response, Barry filed two motions asking for a permanent injunction. ECF 27 and 29. Both motions were denied and Barry was reminded that he had until September

10, 2024, to respond to the court's notice that it intended to grant summary judgment.

That deadline has passed and he has not responded.

For these reasons and for the reasons more fully explained in the August 2, 2024, order (ECF 19), summary judgment is granted for the defendant and against Scott Thomas Barry under Federal Rule of Civil Procedure 56(f). The clerk is DIRECTED to enter judgment and close this case.

SO ORDERED on September 20, 2024.

s/ Cristal C. Brisco
JUDGE
UNITED STATES DISTRICT COURT